IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1227 of 2007 (S/S)

Bharat Singh S/o Sri Gaur Singh
Resident of Village -Charbang
Patwari Circle-Manakhi,
Tehsil & District Chamoli.

…..…….. Petitioner

Versus

1. State of Uttarakhand
   Through Secretary Education
   Govt. of Uttaranchal, Dehradun.
2. Director of School Education
   Mayur Vihar, Sahashtradhara Road,
   Dehradun.
3. Additional Director
   State Council for Education, Research
   And Training (SCERT), Uttarakhand,
   Narendra Nagar, Tehri Garhwal.
4. Principal,
   District Institute of Education & Training (DIET)
   Gauchar, District Chamoli.
5. District Education Officer, Gopeshwar
   District Chamoli.

……..……. Respondents

Mr. Pankaj Purohit, Advocate for the petitioner.
Mr. H.M. Raturi, Standing Counsel for the respondents.

Hon. Prafulla C. Pant, J.

Heard Mr. Pankaj Purohit, learned counsel for the petitioner and Mr. H.M Raturi, learned Standing Counsel for the respondents.

2) By means of this writ petition, moved under Article 226 of the Constitution of India, the petitioner has sought following reliefs:-

a) Issue a writ, order or direction in the nature of Mandamus commanding the respondents to consider the N.S.S. certificate issued to the petitioner by the Hemwati Nandan Bahuguna Garhwal University, Srinagar (Garhwal) and to award him 02 quality points/ marks for the same and further to select and issue call letter to him for the Special B.T.C. Training Course 2006-07 according to his merit.

b) Issue any suitable writ, order or direction which the Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

c) Award the costs of the petition in favour of the petitioner.

3) The case of the petitioner is that he applied for Special B.T.C. Training Course for the year 2006-2007. However, he was not declared as successful. In this connection it is contended that the petitioner is not awarded quality point marks for his National Service Scheme (for brevity hereinafter referred as N.S.S.) Certificate. In support of his case, the petitioner has filed a copy of N.S.S. certificate issued by Hemwati Nandan Bahuguna Garhwal University, Srinagar (Garhwal), with this writ petition.

4) Learned Standing Counsel for the respondents contended that the petitioner was required to complete the N.S.S. course which includes participation in camp and other activities, within a period of two years, while he has shown to have completed the same within one year. However, learned Standing Counsel failed to show me that what illegality is there, if the camp and the 240 hours of social

work are completed within one year, by the petitioner. Apart form this, a clarification certificate issued by the Principal, Government Post Graduate College, Gopeshwar (Chamoli), is annexed as Annexure-5 to the writ petition, clarifying the position in this regard.

5) In the circumstances, this writ petition is disposed of summarily with the direction that the petitioner shall make representation to the respondent No. 2, Director of School Education, Uttarakhand, Dehradun, within a period of one week from today, and said authority shall take decision thereon within a period of three weeks' from the date certified copy of this order is produced before said authority along with the representation. No order as to costs. (Stay application also stands disposed of).

(Prafulla C. Pant, J.)

Dt. September 25, 2007.
H.Negi